

July 30, 2003

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Development and Environmental Services File No. **V-2442**  
Proposed Ordinance No. **2003-0279**

**MICHIKO REVOCABLE TRUST**

Road Vacation Petition

Location: Portion of Southwest 240<sup>th</sup> Street west of Dockton Road Southwest

Petitioner: **Michiko Revocable Trust**  
c/o Jeffrey M. Sayre  
1016 Jefferson Street  
Seattle, WA 98104

King County: Department of Transportation  
*represented by* **Jodi Simmons**  
201 South Jackson Street  
Seattle, WA 98104-3856  
Telephone: (206) 296-3731  
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2442 was received by the Examiner on July 1, 2003.

**PUBLIC HEARING:**

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2442 was opened by the Examiner at 10:00 a.m., July 18, 2003, in the Fifth Floor Conference Room of the Union Bank of California Building, 900 – 4<sup>th</sup> Avenue, Seattle, Washington, and continued for administrative purposes at 10:05 a.m. On July 29, 2003, the examiner received exhibit no. 17 and declared the hearing record closed. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & RECOMMENDATION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:****1. General Information.**

Road name and location:	Portion of Southwest 240 <sup>th</sup> Street west of Dockton Road Southwest
Right-of-way classification:	“C”
Area:	14,100 square feet
Compensation:	\$13,324.50

2. The Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the July 18, 2003 public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0279. The said report and proposed ordinance will be attached to the copies of this report and recommendation submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.

**CONCLUSIONS:**

1. The road subject to this petition is useless as part of the King County Road System, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the Metropolitan King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction,

repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2003-0279 to vacate the subject right-of-way.

RECOMMENDED this 30th day of July, 2003.

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James N. O'Connor, Pro Tem  
King County Hearing Examiner

TRANSMITTED this 30th day of July, 2003, to the following parties and interested persons:

Century Tel  
Attn: Tim Grigar  
8120 Sakanise Avenue  
Gig Harbor WA 98335

Terry Davis  
Comcast, Inc.  
410 Valley Ave. NW  
Puyallup WA 98371

King County Water District #19  
P.O. Box T  
1760 - 100th Ave. SW  
Vashon WA 98070

PSE  
Attn: Sharon Scott  
P.O. Box 97034  
Bellevue WA 98009-9734

Sayre Law Offices  
Attn: Jeffrey M. Sayre  
1016 Jefferson St.  
Seattle WA 98104

Jodi Simmons  
Engineer II  
DOT/Road Services  
MS KSC-TR-0231 WA

Greg Borba  
DDES/LUSD  
MS OAK-DE-0100

Clerk of the Council  
MS KCC-CC-1025

Curt Crawford  
KC DNR  
Water & Land Res. Div.  
MS KSC-NR-0600

Neil DeGoojer  
KC Office of Open Space  
MS KSC-NR-600

Pam Elardo  
KC DNR&P  
Wastewater Treatment Div.  
MS KSC-NR-0503

Nancy Gordon  
King County DOT  
Transit/D&C  
MS KSC-TR-0431

Dennis Gorley  
Dept of Transportation  
Road Services Division  
MS KSC-TR-0231

David Gualtieri  
KCDOT  
CIP & Planning Sec.  
MS KSC-TR-0317

King County Dept. of Executive Services  
Attn: Denise Hauck, Appraiser  
Property Services Division  
MS ADM-ES-0500

Roderick E. Matsuno  
KC DOT  
Road Maint. Section  
MS RSD-TR-0100

Paulette Norman  
KCDOT  
Roads Division  
MS KSC-TR-0231

Robert Nunnenkamp  
KC Parks and Recreation  
MS LBP-PR-0100

Lydia Reynolds-Jones  
KC DOT  
Project Support Serv.  
MS KSC-TR-0231

Gary Samek  
KC DOT  
Road Services Div.  
MS KSC-TR-0222

Charlie Sundberg  
Office of Cultural Res.  
Landmarks & Heritage Prog.  
MS STR-CR-0200

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before August 13, 2003***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before August 20, 2003***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES of the public hearing of Mishiko Revocable Trust, File no. V-2442, July 18, 2003.

James N. O'Connor was the Hearing Examiner for this matter.

Participating the public hearing were Jody Simmons, representing the King County Department of Transportation; and Christine Martin, attorney representing the applicant.

The following exhibits were offered and entered into the record:

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|---------------|--|
| Exhibit No.1  | Report to the Hearing Examiner dated June 30, 2003, with 16 attachments.   |
| Exhibit No.2  | Petition transmittal letter, dated September 21 2001, to KC Department of Transportation, from Clerk of the Council  |
| Exhibit No.3  | September 20, 2001 letter and petition for vacation of a County road, including legal descriptions of petitioners' properties                                  |
| Exhibit No.4  | Copy of filing fee, check #9266 from Sayre Law Offices   |
| Exhibit No.5  | April 10, 2002 letter to petitioner explaining road vacation process.  |
| Exhibit No.6  | Vicinity map   |
| Exhibit No.7  | Map depicting vacation area  |
| Exhibit No.8  | Warranty Deed recording #198005050360, conveying right-of-way  |
| Exhibit No.9  | Short plat recording #8403159003.  |
| Exhibit No.10 | March 13, 2003 letter to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed on compensation worksheet. |
| Exhibit No.11 | March 14, 2003 letter to Council providing recommendation of KCDOT and County Engineer.  |
| Exhibit No.12 | Copy of compensation check from Michiko Revocable Trust, and deposit receipt.  |

- Exhibit No.13 Ordinance transmittal letter dated June 9, 2003, from King County Executive to Councilmember Cynthia Sullivan.
- Exhibit No.14 Proposed Ordinance 2003-0279
- Exhibit No.15 Notice of Hearing
- Exhibit No.16 Affidavit of Posting for hearing.
- Exhibit No.17 Affidavit of Publication for date of hearing.

JOC:gao/cp  
Attachments  
V-2442 RPT